

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ROBERT D. CASTILLO, M.D.**

4 Holder of License No. 11036
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-06-0621A

**CONSENT AGREEMENT FOR
DECREE OF CENSURE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board
9 ("Board") and Robert D. Castillo, M.D. ("Respondent"), the parties agreed to the following
10 disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").
13 Respondent acknowledges that he has the right to consult with legal counsel regarding
14 this matter and has done so or chooses not to do so.

15 2. By entering into this Consent Agreement, Respondent voluntarily
16 relinquishes any rights to a hearing or judicial review in state or federal court on the
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the
18 Board, and waives any other cause of action related thereto or arising from said Consent
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement of any part thereof. This
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary
24 action against Respondent.
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1 5. This Consent Agreement does not constitute a dismissal or resolution of other
2 matters currently pending before the Board, if any, and does not constitute any waiver,
3 express or implied, of the Board's statutory authority or jurisdiction regarding any other
4 pending or future investigation, action or proceeding. The acceptance of this Consent
5 Agreement does not preclude any other agency, subdivision or officer of this State from
6 instituting other civil or criminal proceedings with respect to the conduct that is the subject
7 of this Consent Agreement.

8 6. All admissions made by Respondent are solely for final disposition of this
9 matter and any subsequent related administrative proceedings or civil litigation involving
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended
11 or made for any other use, such as in the context of another state or federal government
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
13 any other state or federal court.

14 7. Upon signing this agreement, and returning this document (or a copy thereof) to
15 the Board's Executive Director, Respondent may not revoke the acceptance of the
16 Consent Agreement. Respondent may not make any modifications to the document. Any
17 modifications to this original document are ineffective and void unless mutually approved
18 by the parties.

19 8. If the Board does not adopt this Consent Agreement, Respondent will not
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes
21 bias, prejudice, prejudgment or other similar defense.

22 9. This Consent Agreement, once approved and signed, is a public record that will
23 be publicly disseminated as a formal action of the Board and will be reported to the
24 National Practitioner Data Bank and to the Arizona Medical Board's website.

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1 10. If any part of the Consent Agreement is later declared void or otherwise
2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in
3 force and effect.

4 11. Any violation of this Consent Agreement constitutes unprofessional conduct
5 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("violating a formal order,
6 probation, consent agreement or stipulation issued or entered into by the board or its
7 executive director under this chapter") and 32-1451.

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10 Robert D. Castillo
11 ROBERT D. CASTILLO, M.D.

Dated: March 6, 2009

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1 FINDINGS OF FACT

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 11036 for the practice of
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-06-0621A after receiving complaints
7 regarding Respondent's care and treatment of a forty-five year-old female patient ("TR").

8 4. From 2004 through 2006, Respondent conducted three psychiatric sessions
9 with TR for depression. Respondent did not document TR's psychiatric history, family
10 history, her substance abuse history, her symptoms and his assessment of facts and
11 findings including a mental status examination. Respondent diagnosed TR with Attention
12 Deficient Hyperactivity Disorder, major depression, impulse control disorder, generalized
13 anxiety disorder, mood disorder, Axis I, III and IV behavior and migraine headaches. There
14 is no indication in TR's medical record for Respondent's diagnoses. Respondent
15 prescribed TR Statlera, Adderall, Wellbutrin, Lithium, and Tegretol. Respondent also
16 prescribed Lamictal. Lamictal is indicated for Bipolar Disorder, however, Respondent did
17 not document Bipolar Disorder as a diagnosis for TR. Respondent also did not indicate his
18 reason for prescribing Lamictal.

19 5. During the two years of treating TR, Respondent did not order laboratory
20 tests, check TR's vital signs and coordinate with TR's primary care physician. There is no
21 indication in the record that Respondent provided TR with informed consent discussing the
22 risks, benefits and side effects of the medications he prescribed alone and in combination.

23 6. In response to the Board's investigation, Respondent provided the Board
24 with TR's medical records. TR's record included medical record notes from another
25 patient's medical record, contradictory notes and random progress notes that were all

1 difficult to read including pages of unsigned shorthand notes appearing to belong to a
2 different medical record; notes with more detail that encompasses the full page with a
3 different format than the other notes; notes with letters repeatedly written over to make
4 them darker, several cribbed notes written in the margins and notes changing TR's
5 diagnosis without indication. On one of the progress notes Respondent documented TR is
6 legally blind. There is no other reference to this in any of the notes. Also, there is no
7 indication in TR's record for this diagnosis. Respondent also documented in TR's record
8 "stated hospitalization, Bipolar disorder, Lithium and Tegretol," which does not fit with TR's
9 medical record, indicating it may be from another patient's medical record.

10 7. The standard of care requires a physician to prescribe a medication and
11 treatment for a patient that is consistent with the diagnoses and target symptoms and
12 provide indications for treatment.

13 8. Respondent deviated from the standard of care because he prescribed
14 Lamictal for TR even though it was not consistent with his diagnoses and TR's target
15 symptoms and he did not provide indications for this treatment.

16 9. TR could have suffered side effects from the unnecessary medication.

17 10. A physician is required to maintain adequate legible medical records
18 containing, at a minimum, sufficient information to identify the patient, support the
19 diagnosis, justify the treatment, accurately document the results, indicate advice and
20 cautionary warnings provided to the patient and provide sufficient information for another
21 practitioner to assume continuity of the patient's care at any point in the course of
22 treatment. A.R.S. § 32-1401(2). Respondent's records were inadequate because he did
23 not document his indications for his diagnoses for TR, he did not document his indications
24 for prescribing Lamictal to TR and he did not document his indications for prescribing to
25 KR.

11. During the investigational interview with Staff, Respondent admitted to providing samples of Wellbutrin and Stattera to TR for her daughter ("KR"). Respondent stated he did not examine or interview KR in person as she was in Texas, however, he asked KR questions over the telephone and from those conversations he prescribed the medications. Respondent also admitted to not listing his indications for prescribing to KR.

12. On August 22, 2006, Respondent was ordered to undergo an evaluation at the Sexual Recovery Institute ("SRI"). The evaluation showed Respondent was capable of faulty judgment, ill advised patient confidentiality, and that he may be psychologically incapacitated. On September 19, 2006, Respondent entered into an Interim Consent Agreement restricting him from practicing clinical medicine or any medicine involving direct patient care and prohibiting him from prescribing any form of treatment including prescription medications. Subsequently, Respondent left the practice of medicine and did not renew his Arizona license.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §32-1401(27)(e) ("[f]ailing or refusing to maintain adequate records on a patient."); A.R.S. § 32-1401(27)(c) ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.") and A.R.S. §32-1401(27)(ss) ("[p]rescribing, dispensing or furnishing a prescription medication or a prescription-only device as defined in section 32-1901 to a person unless the licensee first conducts a physical examination of that person or has previously established a doctor-patient relationship. . . .").

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ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is issued a Decree of Censure.

Decree is effective this 2ND day of APRIL, 2009.



ARIZONA MEDICAL BOARD

By:

Lisa S. Wynn
Executive Director

ORIGINAL of the foregoing filed
this 2nd day of April, 2009 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed
this 2nd day of April, 2009 to:

Debbie Hill
Osborn Maledon
The Phoenix Plaza, 21st Floor
2929 N Central Avenue
Phoenix AZ 85012-2765

EXECUTED COPY of the foregoing mailed
this 2nd day of April, 2009 to:

Robert D. Castillo, M.D.
Address of Record

Krista Corley
Investigational Review